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Human rights questions: human rights situations and reports of special rapporteurs and representatives

Austria, Belgium, Bosnia and Herzegovina, Canada, Denmark, Finland, France, Germany, Greece, Ireland, Liechtenstein, Luxembourg, Portugal, Romania, Slovenia, Sweden, Turkey and United States of America: revised draft resolution

Situation of human rights in parts of South-eastern Europe

The General Assembly,

Recalling all relevant resolutions on this subject, in particular Commission on Human Rights resolution 2000/26 of 18 April 2000,[1] and all Security Council resolutions and statements,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights,[2] the International Covenants on Human Rights[3] and other human rights instruments, the 1951 Convention relating to the Status of Refugees,[4] the Geneva Conventions of 12 August 1949 for the protection of victims of war[5] and the Additional Protocols thereto, of 1977,[6] and the principles and commitments undertaken by participating States of the Organization for Security and Cooperation in Europe,

Reaffirming the territorial integrity of all States in the region, within their internationally recognized borders, taking fully into account all relevant Security Council resolutions,

Expressing its full support for the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace

[1] See *Official Records of the Economic and Social Council, 2000, Supplement No. 3* (E/2000/23), chap. II, sect. A.
[2] General Assembly resolution 217 A (III).
[3] General Assembly resolution 2200 A (XXI), annex.
[4] United Nations, *Treaty Series*, vol. 189, No. 2545.
[5] Ibid., vol. 75, Nos. 970-973.
[6] Ibid., vol. 1125, Nos. 17512 and 17513.

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Agreement"),[7] which, inter alia, committed the parties in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia to respect human rights fully, in particular issues surrounding the return of refugees,

Expressing its support for the democratic forces and non-governmental organizations in the promotion and protection of human rights and in strengthening civil society, and noting in this regard the opportunities afforded by the Stability Pact for South-East Europe,

Welcoming the admission of the Federal Republic of Yugoslavia into the framework of the Stability Pact for South-East Europe at the extraordinary session of the Pact's Regional Table, held at Bucharest on 26 October 2000,

Noting the importance of the respect for the rights of all persons belonging to minorities,

Welcoming all contributions of the Office of the High Representative, the Office of the United Nations High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Refugees, the Special Rapporteur and other parts of the United Nations, the Organization for Security and Cooperation in Europe, the Council of Europe, the European Community Monitoring Mission, Governments and intergovernmental and non-governmental organizations in the area in 2000,

Taking note of Security Council resolutions 1160 (1998) of 31 March 1998, 1199 (1998) of 23 September 1998, 1203 (1998) of 24 October 1998, 1239 (1999) of 14 May 1999 and 1244 (1999) of 10 June 1999, and the general principles annexed thereto, as well as the statement made on 24 March 1998 by the Chairman of the Commission on Human Rights at its fifty-fifth session of the Commission,[8] Commission on Human Rights resolutions 1998/79 of 22 April 1998[9] and 1999/2 of 13 April 1999,[10] and the report of the United Nations High Commissioner for Human Rights to the Bureau of the Commission on Human Rights on the situation of human rights in Kosovo of 7 September 1999,

Recalling its condemnation of the Serbian military offensive against the civilian population of Kosovo, which resulted in war crimes and gross violations of international human rights and international humanitarian law inflicted upon the Kosovars,

Condemning all violations of human rights in Kosovo, which have affected all ethnic groups in Kosovo, in particular the harassment and murders of ethnic Serb, Roma and other minorities of Kosovo by ethnic Albanian extremists,

Expressing concern that the entire population of Kosovo has been affected by the conflict there and its aftermath, and stressing that each of the national, ethnic, religious or linguistic minorities there must benefit from their full and equal rights, without discrimination,

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[7] S/1995/999; see *Official Records of the Security Council, Fiftieth Year, Supplement for October, November and December 1995.*

[8] See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23), chap. III, sect. E, para. 28.

[9] Ibid., chap. II, sect. A.

[10] Ibid., *1999, Supplement No. 3* (E/1999/23), chap. II, sect. A.

Stressing, in this context, the importance of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991,

Distressed by the detention in Serbia of political prisoners of Kosovar Albanian or other origins, in violation of international human rights law and standards, but welcoming the pledge of authorities there to abide by international norms in carrying out its judicial procedures in this and all other areas of judicial responsibility,

1. *Reiterates its call* for the full and consistent implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement")[7] by all parties;

2. *Stresses* the crucial role of human rights in the successful implementation of the Peace Agreement, and underlines the obligations of all parties under the Peace Agreement to comply with international human rights law and to secure for all persons within their jurisdiction the highest level of international norms and standards of human rights and fundamental freedoms, including the rule of law and effective administration of justice at all levels of government, the freedom and independence of the media, freedom of expression, freedom of association, including with respect to political parties, freedom of religion and freedom of movement;

3. *Also stresses* the need for enhanced international efforts to foster and effect the prompt and voluntary return of displaced persons and refugees in safety and with dignity;

4. *Condemns* the growing problem of trafficking in women in the region, and calls upon all concerned authorities to combat actively this criminal practice;

5. *Urges* all States and parties to the Peace Agreement that have not done so to meet their obligations to cooperate fully with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, as required by Security Council resolution 827 (1993) of 25 May 1993 and all subsequent relevant resolutions, and in particular to comply with their obligations to arrest and transfer to the custody of the Tribunal those indicted persons present in their territories or under their control;

6. *Notes* that varying degrees of progress have been made in the human rights situation in all States and by all parties to the Peace Agreement, but that substantial efforts remain to be made in several areas;

7. *Reiterates* its call upon all States and parties to the Peace Agreement to ensure that the promotion and protection of human rights and effective, functioning democratic institutions will be central elements in developing civilian structures;

8. *Notes* the progress made by Bosnia and Herzegovina in the implementation of the Peace Agreement;

9. *Also notes* the progress made with regard to refugee returns in Bosnia and Herzegovina, while calling upon all authorities actively to support the return process for minority refugees and internally displaced persons, inter alia, through the eviction of illegal occupants of internally displaced persons and refugee housing,

particularly in areas of the Republika Srpska with a majority population of Bosnian Serbs and areas of the Federation of Bosnia and Herzegovina with a majority population of Bosnian Croats;

10. *Welcomes* the Bosnia and Herzegovina Constitutional Court's "Constituent Peoples" decision which reflects the commitment of Bosnia and Herzegovina to meeting the highest standards of human rights and fundamental freedoms;

11. *Condemns* the harassment of returning minority refugees and internally displaced persons in Bosnia and Herzegovina, including the destruction of their homes, particularly in areas of the Republika Srpska with a majority population of Bosnian Serbs and areas of the Federation with a majority population of Bosnian Croats;

12. *Also condemns* recurrent instances of religious discrimination and the denial to religious minorities of their rights to rebuild religious sites in Bosnia and Herzegovina, in particular in the territory of the Republika Srpska;

13. *Further condemns* the manipulation of the press by political parties and government officials, including the selective application of slander and tax laws to harass journalists and editors;

14. *Calls upon* all authorities in Bosnia and Herzegovina, particularly those within the Republika Srpska, to cooperate fully with the International Tribunal for the Former Yugoslavia;

15. *Calls upon* the authorities of Bosnia and Herzegovina, including those of the Republika Srpska and the Federation:

(a) To implement the decisions of the High Representative and to fulfil their obligations under the Peace Agreement and Peace Implementation Council declarations;

(b) To implement the decisions of the Commission on Human Rights on Bosnia and Herzegovina, the Office of the Human Rights Ombudsman and the Human Rights Chamber, and the decisions of the Commission for Real Property Claims of Displaced Persons and Refugees;

(c) To establish a fully staffed and funded judiciary which effectively protects the rights of all citizens;

(d) To adopt an effective and fair election law, in cooperation with the Organization for Security and Cooperation in Europe;

(e) To implement fully all the provisions of the New York Declaration adopted on 14 November 1999;[11]

(f) To support the work of the common institutions and fully implement the actions mandated by the Peace Implementation Council ministerial meeting held in Brussels on 23 and 24 May 2000;

16. *Welcomes* the political change following the recent elections in the Federal Republic of Yugoslavia, which shows the clear decision of the people to choose democracy, respect for human rights and integration into the international

[11] S/1999/1179, annex.

community over dictatorship and isolation, and looks forward to the new authorities' ensuring respect for the rule of law and for the promotion and protection of human rights;

17. *Also welcomes* the admission of the Federal Republic of Yugoslavia to membership in the United Nations;

18. *Further welcomes* the commitment of and encourages efforts by the new democratic authorities of the Federal Republic of Yugoslavia to investigate past abuses of human rights, including violations of human rights of ethnic groups in Kosovo, the repression and harassment of peaceful political activists, illegal and/or hidden detentions, and other violations of human rights and fundamental freedoms;

19. *Welcomes* the appointment of the Special Envoy on persons deprived of liberty in connection with the Kosovo crisis in the Federal Republic of Yugoslavia, and calls upon all authorities to cooperate with the Special Envoy;

20. *Also welcomes* the commitment of the new democratic authorities of the Federal Republic of Yugoslavia to promoting and protecting free and independent media, and looks forward to welcoming the repeal of any laws that hinder the full and free exercise of human rights and fundamental freedoms in the Federal Republic of Yugoslavia;

21. *Calls upon* all authorities of the Federal Republic of Yugoslavia to respect the rights of all persons belonging to any of its national or ethnic, religious and linguistic minorities;

22. *Welcomes* the commitment by the Federal Republic of Yugoslavia to implement fully and in good faith its obligations under the Peace Agreement and to abide by the terms of Security Council resolution 1244 (1999) of 10 June 1999, and calls upon the Federal Republic of Yugoslavia to cooperate with the Office of the United Nations High Commissioner for Refugees and other humanitarian organizations to alleviate the suffering of refugees and internally displaced persons, to protect them, and to assist their voluntary return to their homes in safety and with dignity;

23. *Encourages* States to consider providing additional voluntary contributions to support the new democratic authorities in order that they may meet the pressing human rights and humanitarian needs in the area;

24. *Calls upon* the authorities of the Federal Republic of Yugoslavia to comply with their obligations to cooperate fully with the International Tribunal for the Former Yugoslavia and welcomes the announced reopening of the Office of the International Tribunal in Belgrade and the pledge of the authorities of the Federal Republic of Yugoslavia to cooperate with it;

25. *Underlines* the obligation of the authorities of the Federal Republic of Yugoslavia to abide by the terms of Security Council resolution 1244 (1999) of 10 June 1999 and the general principles on the political solution to the Kosovo crisis adopted on 6 May 1999 and annexed to that resolution;

26. *Reaffirms* that the human rights and humanitarian situation in Kosovo shall be addressed within the framework of a political solution based and built upon the general principles as set out in and annexed to Security Council resolution 1244 (1999);

27. *Welcomes* the efforts of the United Nations Interim Administration Mission in Kosovo and the Kosovo Force, and calls upon all parties in Kosovo and the authorities of the Federal Republic of Yugoslavia to cooperate fully with the Interim Administration Mission and the Kosovo Force in the fulfilment of their respective mandates;

28. *Encourages* States to consider providing additional voluntary contributions to support the United Nations Mission in Kosovo in meeting the pressing administrative, human rights and humanitarian needs in the area;

29. *Welcomes* the work of the Office of the United Nations High Commissioner for Human Rights in Kosovo, the Office of the United Nations High Commissioner for Refugees and the efforts of the Organization for Security and Cooperation in Europe;

30. *Recognizes* the strong efforts of the Interim Administration Mission, the United Nations Civilian Police and Kosovo Police Services in developing and training the core of a multi-ethnic local police force throughout Kosovo;

31. *Calls upon* all parties in Kosovo to cooperate with the Interim Administration Mission to ensure full respect for all human rights and fundamental freedoms and democratic norms in Kosovo;

32. *Urges* all parties in Kosovo to support and strengthen a multi-ethnic society in Kosovo that respects the rights of all persons belonging to minorities and that includes them in all provisional and new civil administration institutions in Kosovo, and to fully support the Interim Administration Mission in this regard;

33. *Welcomes* the recent holding of peaceful municipal elections in Kosovo, which is a landmark in Kosovo's democratic development and in the implementation of Security Council resolution 1244 (1999), and commends in this regard the support by all parties of the Interim Administration Mission's efforts;

34. *Commends* the Interim Administration Mission for its efforts to create an independent and impartial judiciary system in Kosovo, and urges all local Serb and Albanian leaders, and the leaders of other minorities in Kosovo to take all steps necessary to support these efforts;

35. *Calls upon* all local Kosovar officials, ethnic representatives and all individuals to respect the right to freedom of opinion and expression for all points of view, the right to a free, independent media and the right to freedom of religion;

36. *Calls upon* the authorities in the Federal Republic of Yugoslavia, and the representatives of all ethnic groups in Kosovo to condemn all acts of terrorism, forced evictions from homes or places of work of any resident of Kosovo, whatever the victim's ethnic background and whoever the perpetrators, to refrain from all acts of violence and to use their influence and leadership to bring all parties to cooperate fully with the Kosovo Force and the Interim Administration Mission in stopping these incidents and in bringing the perpetrators to justice;

37. *Stresses* the importance of return of refugees and of all displaced persons of whatever ethnic background, and expresses its concern about reports of continuing harassment or other impediments in this regard;

38. *Also stresses* the importance for, and the responsibility of, all parties in Kosovo to suppress all harassment of individuals or groups of any background and

to create a secure environment that will allow all those who wish to remain in Kosovo a genuine possibility to do so, irrespective of ethnic origin;

39. *Further stresses* the urgent need for all ethnic groups to cooperate with the Interim Administration Mission and the Kosovo Force to rebuild and strengthen common institutions for all and to desist from creating any sort of parallel institutions;

40. *Calls upon* the authorities of the Federal Republic of Yugoslavia to release those persons detained and transferred from Kosovo to other parts of the Federal Republic of Yugoslavia, or to specify the charge under which each individual is detained and to afford them due process of law, and to guarantee their families and non-governmental organizations and international observers unimpeded and regular access to those who remain in detention and, in this regard, welcomes as a first important step the release of the prominent human rights activist, Flora Brovina, and the release of 23 additional detainees;

41. *Calls upon* the authorities of the Federal Republic of Yugoslavia, and all local Kosovo ethnic Serb and Albanian leaders to provide information on the fate and whereabouts of the high number of missing persons from Kosovo, and encourages the International Committee of the Red Cross, in this regard, to continue its clarification efforts, in cooperation with other organizations;

42. *Expresses its concern* about the forced ethnic division of any part of Kosovo as counter to Security Council resolution 1244 (1999) and to the guiding principles of the Rambouillet accords,[12] and stresses the need for all parties in Kosovo to take all necessary measures to prevent or reverse any action that de facto or de jure permits such ethnic cantonization;

43. *Condemns* all trafficking in women by any party in Kosovo, and calls upon the local authorities and the Interim Administration Mission to take all steps necessary to prevent and stop it;

44. *Requests* the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia to continue to monitor closely the situation of human rights in Kosovo, and to report his findings to the Commission at its fifty-seventh session and to the General Assembly at its fifty-sixth session;

45. *Decides* to continue its examination of this question at its fifty-sixth session under the item entitled "Human rights questions".

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[12] See S/1999/648, annex.